

Docket No. 259619US0PCT

IN RE APPLICATION OF: Yasuyuki TOMIYAMA, et al.

SERIAL NO: New U.S. PCT Application Based on PCT/JP03/05989

FILED: Herewith

FOR: CARBONATED BEVERAGE

**COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313**

SIR:

Transmitted herewith is an amendment in the above-identified application.

- No additional fee is required
 Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
 Additional documents filed herewith: PCT Transmittal Letter/Application Data Sheet/Preliminary Amendment/
Notice of Priority/Specification/Drawings (2 sheets)/PCT/IB/304/ PCT/IB/308/
Form PTO-1449/Information Disclosure Statement/International Search Report/
Reference Cited (2)/Credit Card Payment Form for \$1080.00

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	4	MINUS	20	0	x \$18 =	\$0.00
INDEPENDENT	1	MINUS	3	0	x \$88 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS		+ \$300 =		\$0.00
			TOTAL OF ABOVE CALCULATIONS			
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment		+ \$40 =		\$0.00
			TOTAL			
						\$0.00

- A check in the amount of \$0.00 is attached.
 - Credit card payment form is attached to cover the fees in the amount of \$0.00
 - Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
 - If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

**OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.**

Norman F. Oblon

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Customer Number

22850

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(OSMMN 05/03)

Surinder Sachar

Registration No. 34,423

10/510238

DOCKET NO.: 259619US0PCT

DT04 Rec'd PCT/PTO 14 OCT 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Yasuyuki TOMIYAMA, et al.

SERIAL NO.: NEW U.S. PCT APPLICATION

FILED: HEREWITH

INTERNATIONAL APPLICATION NO.: PCT/JP03/05989

INTERNATIONAL FILING DATE: May 14, 2003

FOR: CARBONATED BEVERAGE

**REQUEST FOR PRIORITY UNDER 35 U.S.C. 119
AND THE INTERNATIONAL CONVENTION**

Commissioner for Patents
Alexandria, Virginia 22313

Sir:

In the matter of the above-identified application for patent, notice is hereby given that the applicant claims as priority:

<u>COUNTRY</u>	<u>APPLICATION NO</u>	<u>DAY/MONTH/YEAR</u>
Japan	2002-139856	15 May 2002

Certified copies of the corresponding Convention application(s) were submitted to the International Bureau in PCT Application No. PCT/JP03/05989. Receipt of the certified copy(s) by the International Bureau in a timely manner under PCT Rule 17.1(a) has been acknowledged as evidenced by the attached PCT/IB/304.

Respectfully submitted,
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Surinder Sachar

Norman F. Oblon
Attorney of Record
Registration No. 24,618
Surinder Sachar
Registration No. 34,423

Customer Number

22850

(703) 413-3000
Fax No. (703) 413-2220
(OSMMN 08/03)

FORM PTO-1390 (Modified) (REV. 07-2004) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE		ATTORNEY'S DOCKET NUMBER 259619US0PCT
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/510238
INTERNATIONAL APPLICATION NO. PCT/JP03/05989	INTERNATIONAL FILING DATE 14 May 2003	PRIORITY DATE CLAIMED 15 May 2002
TITLE OF INVENTION CARBONATED BEVERAGE		
APPLICANT(S) FOR DO/EO/US Yasuyuki TOMIYAMA et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). 		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> 13. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input checked="" type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A power of attorney and/or change of address letter. 19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 22. <input type="checkbox"/> Express Mail Label No. 23. <input checked="" type="checkbox"/> Other items or information: 		
Application Data Sheet Drawings (2 sheets) PCT/IB/308 Reference Cited (2)		Notice of Priority PCT/IB/304 Form PTO-1449

U.S. APPLICATION NO (if known, see 37 CFR 1.58)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER																	
10/510238		PCT/JP03/05989	259619US0PCT																
24. The following fees are submitted:		CALCULATIONS PTO USE ONLY																	
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :																			
<input checked="" type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1110.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$950.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$790.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$750.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00																			
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$950.00																	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).		□ 20 <input checked="" type="checkbox"/> 30	\$130.00																
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 30%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 30%;">RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>4 - 20 =</td> <td>0</td> <td>x \$18.00 \$0.00</td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td>0</td> <td>x \$88.00 \$0.00</td> </tr> <tr> <td colspan="2">Multiple Dependent Claims (check if applicable).</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: right;">\$0.00</td> </tr> </tbody> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	4 - 20 =	0	x \$18.00 \$0.00	Independent claims	1 - 3 =	0	x \$88.00 \$0.00	Multiple Dependent Claims (check if applicable).		<input type="checkbox"/>	\$0.00	TOTAL OF ABOVE CALCULATIONS = \$1,080.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																
Total claims	4 - 20 =	0	x \$18.00 \$0.00																
Independent claims	1 - 3 =	0	x \$88.00 \$0.00																
Multiple Dependent Claims (check if applicable).		<input type="checkbox"/>	\$0.00																
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$0.00																	
		SUBTOTAL =	\$1,080.00																
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)).		□ 20 <input type="checkbox"/> 30 +	\$0.00																
		TOTAL NATIONAL FEE =	\$1,080.00																
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).		<input type="checkbox"/>	\$0.00																
		TOTAL FEES ENCLOSED =	\$1,080.00																
		Amount to be: refunded \$ charged \$																	
a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0030</u> d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.																			
SEND ALL CORRESPONDENCE TO:																			
Customer Number 22850		Surinder Sachar Registration No. 34,423																	
		 SIGNATURE																	
		Norman F. Oblon																	
		NAME																	
		24,618																	
		REGISTRATION NUMBER																	
		DATE																	
		Oct. 14 2004																	